DOCUMENT RESUME

ED 255 617 UD 024 173

TITLE Immigration into Britain. Notes on the Regulations and Procedures.
INSTITUTION Central Office of Information, London (England).
PUB DATE Apr 83
NOTE 29p.
PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Reports - General (140)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Administrative Policy; Citizenship; *Foreign Countries; Foreign Nationals; Foreign Workers; *Immigrants; Migrants; Refugees
IDENTIFIERS *Immigration Law; *United Kingdom

ABSTRACT

In the United Kingdom, control over the entry of foreign citizens is exercised under the Immigration Act of 1971, and following a short account of the background to the legislation, this pamphlet outlines the new rules governing its administration that came into effect in 1983 and take into account changes in terminology introduced by the British Nationality Act of 1981. Topics dealt with are the following: right of abode; the common travel area; citizens of the Irish Republic; travel documents; medical examination; entry for temporary purposes; entry for employment or business, as persons of independent means or for marriage; and admission for settlement. Three appendices contain immigration statistics for 1962-81; a list of nationals of foreign countries who need visas to enter the United Kingdom; and the information on the British Nationality Act of 1981. (KH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED255617

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✓ This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.

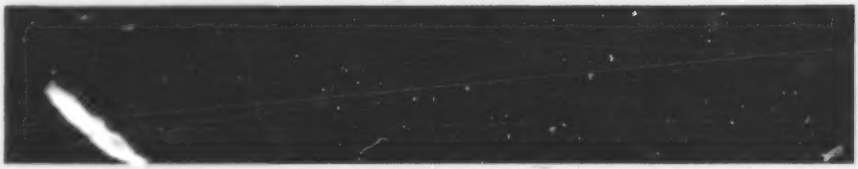
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Foreign & C'wealth Office
London, UK

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Immigration into Britain

Notes on the Regulations and Procedures



ID024173

A Central Office of Information reference pamphlet

No 62/RP/83

Prepared for the Foreign and Commonwealth Office
by Reference Services
Central Office of Information
London

Revised April 1983

Quote No 62/RP/83

Classification 1(b)

This is one of a series of reference publications. Although the text is Crown Copyright it may be freely reproduced outside Britain, with or without acknowledgment. Similar publications on other subjects may be obtained from British Embassies, High Commissions or Consulates.

Contents

Introduction 1

Immigration Control before 1973 1

Commonwealth Citizens 1

Foreign Nationals 2

Admission for Temporary Purposes 2

Immigration Appeals 2

Immigration Act 1971 3

Right of Abode 3

The Common Travel Area 4

Citizens of the Irish Republic 4

Travel Documents 4

Medical Examination 5

Entry for Temporary Purposes 5

Visitors 5

Students 5

'Au Pair' 6

Entry for Employment or Business, as Persons of Independent Means or for Marriage 6

Work Permits 6

United Kingdom Ancestry 8

Working Holidaymakers 8

Businessmen and Self-employed People 8

Persons of Independent Means 9

Writers and Artists 9

Fiancés 9

Fiancées 9

Admission for Settlement 10

Wives and Children 10

Parents, Grandparents and Other Relatives 10

Husbands 10

Returning Residents 11

Special Voucher Holders 11

Refugees 11

(continued overleaf)

Children Born in the United Kingdom who are not British Citizens 11
European Community Nationals 12
Registration with the Police 12
Refusal of Entry 12
Rights of Appeal 13
Deportation 14
Contributions towards Expenses of People Leaving the Country 15
Illegal Entry 15
Acquisition of Citizenship 15

Appendices 17

1. Immigration Statistics 17
2. Nationals of Foreign Countries who need Visas for the United Kingdom 19
3. British Nationality Act 1981 20

Addresses 21

Official Publications 22

Introduction

All sovereign states regulate the entry of citizens of other territories and in Britain[1] control is exercised under the Immigration Act 1971 which came fully into force on 1 January 1973. Rules governing the administration of the Act are laid down by the Home Secretary and approved by Parliament. They are administered without regard to the race, colour or religion of the person concerned. The present rules took effect on 16 February 1983 following the coming into force of the British Nationality Act 1981 on 1 January 1983 (see Appendix p 20). They take account of changes in terminology introduced by the British Nationality Act, for example, the terms 'citizen of the United Kingdom and Colonies' and 'patrial' are no longer in use. The main provisions of the Immigration Rules are outlined below, following a short account of the background to the legislation.

Immigration Control before 1973

Commonwealth Citizens

Until 1962 Britain was alone among Commonwealth countries in freely admitting Commonwealth citizens without control of any kind. From the early 1950s, however, a growing volume of immigrants—chiefly from the West Indies, India and Pakistan (now Pakistan and Bangladesh)—entered Britain, the estimated net inward migration increasing from some 42,700 in 1955 to 136,400 in 1961.[2] In the seven years up to 1962 nearly half a million Commonwealth citizens settled in Britain, most of whom were later to be joined by wives and other dependants. In 1962, therefore, it became necessary to regulate entry in order to ensure that immigrants were admitted at a rate which the country had the social and economic capacity to absorb. The Commonwealth Immigrants Act 1962 placed under control citizens of Commonwealth countries wishing to enter Britain, the number of arrivals for settlement being regulated by a system of employment vouchers. In the early years of control employment vouchers were issued at a rate which bore some relationship to the numbers of Commonwealth citizens who had been arriving in previous years and voucher holders were entitled to bring with them, or be joined by, their dependants. By 1965, however, in view of concern about the continuing level of immigration, resulting in pressures on housing, education and the other social services in those areas where immigrants had settled, it became necessary to introduce stricter measures of control. The principal change was the restriction in the number of employment vouchers to be issued annually to 8,500; vouchers were issued only to people who had been guaranteed specific jobs and to people with certain special qualifications such as teachers, doctors and nurses.

In 1968 additional immigration controls were introduced as a result of the arrival in Britain from East Africa (mainly Kenya) of large numbers of people of Asian origin

---

[1] *The term 'Britain' is used informally in this pamphlet to mean the United Kingdom of Great Britain and Northern Ireland; Great Britain comprises England, Scotland and Wales.*

[2] *Net inward migration is the number by which arrivals are believed to have exceeded departures.*

holding United Kingdom passports.[1] This followed the introduction in Kenya of legislation designed to increase opportunities for those of Kenyan citizenship in agriculture, commerce and employment. In 1965 some 6,150 United Kingdom passport holders entered Britain from East Africa; this number increased to 13,600 in 1967 and to 12,823 in the first two months of 1968. In the interests of good community relations in Britain, the Government decided to extend immigration control by means of the Commonwealth Immigrants Act 1968 to ensure that citizens of the United Kingdom and Colonies who had no substantial connection with the United Kingdom, for example, by birth or descent, would enter Britain for settlement in a manageable flow. An annual quota of special vouchers was made available to heads of households, mainly those in difficulties in East Africa, who had no other citizenship and nowhere else to go. Holders of vouchers were able to settle in the United Kingdom with their families.

Foreign Nationals

Before the Immigration Act 1971 came into force the system of control over the entry of foreign nationals derived from the Aliens Restriction Acts 1914 and 1919 and rules drawn up under the Acts to cover their admission, supervision and deportation. Foreign nationals were admitted to Britain to take employment provided they held a work permit issued by the Department of Employment. A permit was issued for a particular job with a particular employer. Employment was limited to a maximum of one year in the first instance but could be extended on application by the employer. After a foreign national had been in approved employment for four years he or she could apply to the Home Office for cancellation of the conditions imposed on that employment and the length of stay in the United Kingdom. Unlike Commonwealth citizens, foreign nationals were required to register with the police.

Admission for Temporary Purposes

Temporary visitors to Britain have always been welcome—students to follow an approved course of study and visitors on holiday or coming to Britain for social, cultural or business reasons. The present arrangements for the admission of these categories are described below.

Immigration Appeals

A system of appeals against decisions taken in the course of administering immigration control, including refusal to issue entry clearance, refusal of admission to the United Kingdom, refusal to vary conditions imposed on the appellant's stay in the United Kingdom and deportation orders, was introduced in 1970 under the provisions of the Immigration Appeals Act 1969. The Immigration Act 1971 provides for a similar appeals procedure (see p 13).

---

[1] *Many people of Asian origin living in East Africa, especially in Kenya and Uganda, retained their citizenship of the United Kingdom and Colonies when these countries became independent (in 1963 and 1962 respectively). They were then no longer subject to the provisions of the Commonwealth Immigrants Act 1962 because they were able to obtain from the British High Commissions in East Africa passports which exempted them from control. Before the independence of the East African territories they had held passports issued by the colonial governments which did not exempt them from control.*

Immigration Act 1971

The Immigration Act 1971 replaced all previous legislation with one statute which made provision for control of the admission and stay of Commonwealth citizens and of foreign nationals entering Britain. It defines those who are exempt from immigration control, while the Rules made under the Act set out the procedures to be followed in administering the Act.

Right of Abode

The Immigration Act 1971 (as amended by the British Nationality Act 1981) confers a 'right of abode' on all British citizens and certain Commonwealth citizens. Those who have the right of abode are entirely free from immigration control and may live and work in the United Kingdom without restriction (although in certain cases they must prove their right by means of a certificate of entitlement).

Broadly speaking the following people became British citizens when the British Nationality Act 1981[1] came into effect on 1 January 1983:

1. Citizens of the United Kingdom and Colonies who were born, adopted, naturalised or registered[2] in the United Kingdom.
2. Citizens of the United Kingdom and Colonies who were born to or legally adopted by a parent who comes within 1 above.
3. Citizens of the United Kingdom and Colonies who were born to or legally adopted by a parent who, at the time of the birth, was a citizen of the United Kingdom and Colonies, that parent having been born to or legally adopted by a parent who comes within 1 above.
4. Citizens of the United Kingdom and Colonies who, prior to 1 January 1983, had been continuously ordinarily resident in the United Kingdom for five years and had been settled at the end of that period.

A Commonwealth citizen has the right of abode if immediately before 1 January 1983 he or she had that right

a. because he or she was born to or legally adopted by a parent who, at the time of the birth, was a citizen of the United Kingdom and Colonies born in the United Kingdom, or

b. because she had been married to a man who then had the right of abode.

---

1 *The British Nationality (Falkland Islands) Act 1983 conferred British citizenship on Falkland Islanders.*

2 *Registration includes registration in a Commonwealth country, but the following three categories of people did not acquire British citizenship by reason of their registration: (a) a woman who was registered as a citizen of the United Kingdom and Colonies, within the United Kingdom or a Commonwealth country, by virtue of marriage on or after 28 October 1971 to a citizen of the United Kingdom and Colonies, unless her husband had the right of abode; (b) a person who was registered as a citizen of the United Kingdom and Colonies, while a minor, on or after 28 October 1971 in a Commonwealth country; (c) a formerly stateless person who was registered, either in the United Kingdom or in a Commonwealth country, on the ground that his or her mother was a citizen of the United Kingdom and Colonies, unless the mother became a British citizen or the person had acquired the right of abode as described in 4 above.*

The Common Travel Area

The United Kingdom, Channel Islands, Isle of Man and the Irish Republic form a common travel area. With certain exceptions passengers arriving in the United Kingdom from a place in the area are not required to obtain leave to enter. These exceptions include a person who requires a visa to enter the United Kingdom and does not hold one (see p 19), a person subject to a deportation order whose exclusion has been directed by the Home Secretary, a person who has previously been refused entry to the United Kingdom or any of the islands, or who has entered the common travel area illegally. Passengers entering the United Kingdom from the Irish Republic—other than those who have a right of abode or are citizens of the Republic—are allowed to stay for a period of between seven days and three months according to circumstances.

Citizens of the Irish Republic

The Immigration Rules—except in relation to deportation—do not extend to citizens of the Irish Republic who, because the Republic forms part of the common travel area, are admitted freely to the United Kingdom whether coming from within or outside the area. Irish Republic citizens may, however, be refused entry in cases where the Home Secretary decides that their exclusion is conducive to the public good and they may also be deported following conviction for an offence punishable by imprisonment.

There has been a tradition of immigration into Britain from Ireland since the middle of the nineteenth century, and people born in the Irish Republic form one of the largest immigrant groups in Britain. It has been estimated that out of a total population of 53·7 million in Great Britain in 1981, 576,000 were born in the Irish Republic, compared with 719,000 in India, 519,000 in the West Indies and 283,000 in Pakistan.

Travel Documents

Everyone entering Britain, including people with the right of abode, needs a valid passport or other recognised identity document. A British citizen does not require leave to enter but others claiming a right of abode must hold a certificate of entitlement issued by the British representative overseas or by the Home Office. A British Dependent Territories citizen, a British Overseas citizen and certain others who are British subjects under the British Nationality Act 1981 may be freely admitted provided they hold a United Kingdom passport issued in the United Kingdom which is not endorsed to show that they are subject to immigration control. British Overseas citizens with United Kingdom passports, wherever issued, who have previously been admitted for settlement in the United Kingdom will be freely admitted. In addition entry clearances are required in many circumstances. An entry clearance is a visa or a Home Office letter of consent in the case of foreign nationals or an entry certificate in the case of Commonwealth citizens. These must be obtained by anyone wishing to enter the United Kingdom for settlement as the dependant of a person living there; as businessmen or self-employed persons and as writers and artists; as persons of independent means; to undertake permit-free employment; as husbands seeking to join their wives and vice versa; and as fiancés wishing to enter for marriage and settlement.

In addition, visas are required by nationals of some foreign countries (mainly in Eastern Europe, Africa and Asia—see Appendix 2, p 19) if they wish to enter or

re-enter Britain for any purpose including employment, and must be obtained from the British representative in the country in which the person is living. Any other foreign national who wishes to ascertain in advance whether he is eligible for admission to the United Kingdom may apply to the entry clearance officer in the country in which he is living for a visa or a Home Office letter of consent; alternatively, the latter may be applied for on his behalf by someone in the United Kingdom. A Commonwealth citizen who wishes to find out in advance if he is eligible for admission can also apply to the entry clearance officer in the country in which he is living for the issue of an entry certificate. These procedures are of particular value when enquiries in the United Kingdom or overseas will have be to made in order to decide whether a person should be admitted.

People entering the United Kingdom for employment must normally hold a work permit issued by the Department of Employment (see p 6).

Re-entry Visas

Certain foreign passport holders visiting, or resident in, the United Kingdom who wish to travel abroad and subsequently return to the United Kingdom will require a valid visa for re-admission. A re-entry visa for this purpose may be issued in the United Kingdom prior to departure subject and according to Home Office conditions of stay endorsed in the passport. Enquiries regarding re-entry visas may be made to any branch of the Passport Office in the United Kingdom and to British representatives overseas.

Medical Examination

A person intending to remain in the United Kingdom for more than six months is normally referred to a medical inspector for examination at the place of entry. Other passengers who give health or medical treatment as the reason for their visit or who appear not to be in good health are also medically examined. In certain circumstances admission may be refused on medical grounds (see p 13).

Entry for Temporary Purposes

Visitors

Visitors, including those coming to stay with relatives or friends, are admitted if they satisfy the immigration officer that they intend to stay only for the period stated, can maintain and accommodate themselves and their dependants (or will be maintained and accommodated by their hosts) without working or recourse to public funds, and can meet the cost of their return journey. Visitors are usually admitted for six months but this may be extended to up to one year if the immigration officer is satisfied that they can support themselves and their dependants for a longer period.

Students

Overseas students wishing to enter the United Kingdom for a full-time course of study at a university, polytechnic or further education establishment, an independent school or a *bona fide* private educational institution are advised to obtain an entry clearance

which is issued on evidence that the applicant has been accepted for a course of study. Students must be able to meet the cost of their studies and of their own maintenance and accommodation and that of their spouse and children under 18 if they wish to bring them with them. Students are admitted for an appropriate period depending on the length of their course of study and must leave the country at the end of it. Students (except those undertaking postgraduate medical studies) are generally restricted from taking employment but they may seek the consent of the Department of Employment to take employment in their free time or during vacations. Permission is given only if there is no suitable resident labour. Dependants of students admitted with them are free to take employment unless the student himself is prohibited from taking employment.

'Au Pair'

'Au pair' is an arrangement under which an unmarried girl aged 17 to 27 inclusive, who is without dependants and is a national of a Western European country, Malta, Cyprus or Turkey, may come to the United Kingdom to learn the English language and live for a time as a member of an English-speaking family. She is normally expected to help with household tasks in return for pocket money. A girl may be admitted as an 'au pair' for a period of up to 12 months but is prohibited from taking employment or from staying on in the United Kingdom in some other capacity. She may be allowed an extension of stay up to a total period of two years if the 'au pair' arrangement is satisfactory. If she has previously spent time in the United Kingdom as an 'au pair' she may be admitted for a further period up to a maximum of two years altogether.

Entry for Employment or Business, as Persons of Independent Means, or for Marriage

Work Permits

In general, people subject to immigration control coming to Britain for employment are required to hold work permits. Exceptions are certain permit-free categories, Commonwealth citizens with a grandparent born in Britain, working holidaymakers, those intending to establish themselves as businessmen or self-employed persons, and nationals of the European Community countries (see below). Permits are issued for employment in England, Wales and Scotland by the Department of Employment and for employment in Northern Ireland by the Department of Economic Development in Northern Ireland; the conditions for the issue of permits are the same throughout the United Kingdom. Work permits are available for overseas workers holding recognised professional qualifications or possessing a high degree of skill or experience and are issued by the employment departments for a particular job with a particular employer when there is no suitable worker in the United Kingdom or other European Community country.[1] A work-permit holder is admitted for the length of time specified in the

[1] *There is a special quota of work permits for unskilled and semi-skilled workers from Britain's dependent territories which enables people whose level of skill is below that required for the general work-permit scheme to take up jobs for which no resident labour is available. This has been fixed at 200 for each of the two years 1983 and 1984.*

permit and must obtain the approval of the department if he or she wishes to change jobs. Extensions of stay may be granted by the Home Office if the permit holder's continued employment is approved by the Department of Employment. After four years permit holders can apply for the removal of the time limit on their stay. If the time limit is removed they are regarded as settled[1] in Britain and may then take any employment without obtaining approval. The wife of a permit holder and their children under 18 may be admitted for the same period as the head of the family, if he is able and willing to maintain and accommodate them without recourse to public funds, and are not subject to any restriction in taking or changing employment, but they must hold a valid entry clearance (see p 4).

Issue of Permits

For most occupations permits are issued only to workers aged 23 to 54 who must have an adequate command of the English language. Permits are issued only for employment requiring workers in the following categories:

those holding recognised professional qualifications;

administration and executive staff;

highly qualified technicians with specialised experience;

other key workers with a high or scarce qualification in an industry or occupation requiring specific expert knowledge or skills;

highly skilled and experienced workers for senior hotel and catering posts.

Permits may also be issued to entertainers and sportsmen and sportswomen who meet the appropriate skills criteria; the lower age limit does not apply to these groups.

Training and Work Experience

Permits may be issued for on-the-job training or work experience leading to the acquisition of a particular occupational skill or qualification which can be put to use in the trainee's home country; this arrangement is intended primarily to benefit developing countries. Such training is for a limited period and extension beyond one year is given only if satisfactory progress is maintained. The age limit is lowered to 18 for these permits. In addition, permits may be issued for overseas nationals between the ages of 18 and 35 to undertake short periods of employment intended to broaden their industrial and commercial experience and, if appropriate, to improve their knowledge of English. Anyone issued with a trainee permit is not allowed to remain in the United Kingdom for ordinary employment at the end of the training or work experience.

Permit-free Categories

There are certain types of employment for which work permits are not required but anyone in these categories entering the United Kingdom for employment must have an entry clearance and may be admitted for an initial period of not more than 12 months. The categories are: ministers of religion, missionaries and members of religious

[1] *People are regarded as settled in Britain if they are ordinarily resident and their stay is free of conditions. They are normally readmitted for settlement provided they return from abroad within two years of leaving the country.*

orders, provided they will be working full-time as such and can maintain and accommodate themselves and their dependants without recourse to public funds; representatives of overseas firms which have no branch, subsidiary or other representative in the United Kingdom; representatives of overseas newspapers, news agencies and broadcasting organisations on long-term assignment to the United Kingdom; doctors and dentists; private servants of members of diplomatic missions; persons employed by an overseas government or an international organisation of which the United Kingdom is a member; teachers and language assistants on approved exchange schemes; seamen under contract to join a ship in British waters; operational staff of overseas-owned airlines; and seasonal workers at agricultural camps under approved schemes. With the exception of crew members extensions of stay for three years may be granted if the person concerned is still engaged in the type of employment for which he or she was originally admitted, except for teachers or language assistants on exchange schemes whose stay may not exceed a total of two years. Seasonal workers at agricultural camps may not stay beyond the end of November in the year in which they are admitted.

Dependants of people in these permit-free categories may be admitted on the same terms as dependants of work-permit holders.

United Kingdom Ancestry

Commonwealth citizens with a grandparent born in Britain who wish to take or seek employment there do not have to obtain a work permit. They may normally come to work and settle in Britain for as long as they wish, provided that they hold an entry clearance. But unlike people (including Commonwealth citizens with a parent born in the United Kingdom) who have an unrestricted right of abode, they may be refused on certain grounds, remain liable to deportation and require an initial entry clearance.

Working Holidaymakers

Young Commonwealth citizens aged 17 to 27 may come to Britain for extended holidays during which they may take employment without a work permit provided that this is only incidental to their holiday. They are admitted, on the understanding that they will not have recourse to public funds, for up to two years, provided that they have the means to pay for their return journey. If a person has previously spent time in the United Kingdom on a working holiday he may be admitted for a further period but the total period must not exceed two years altogether.

Businessmen and Self-employed People

People wishing to enter the United Kingdom to set up in business or in self-employment must possess an entry clearance for that purpose. They must also be able to show that they will be bringing money of their own to put into the business; that they will be able to bear a share of the liabilities; that they will be occupied full-time in running the business; and that there is a need for their services and investment. The amount of money to be invested by applicants should not be less than £150,000 and evidence must be produced to show that this sum is disposable in the United Kingdom. They must also be able to show that the business will generate new employment for people

8

already living in the United Kingdom and that it will provide sufficient income to maintain and accommodate them and their dependants without recourse to public funds or any other kind of employment. Businessmen and self-employed people are admitted for 12 months in the first instance and further extensions may be made if the above requirements continue to be met.

Persons of Independent Means

Those wishing to enter the United Kingdom as persons of independent means must hold an entry clearance issued for that purpose. To obtain this they must be able to show that they possess not less than £150,000 or an income of not less than £15,000 a year; and must be able to maintain and accommodate themselves and their dependants without working and without recourse to public funds. In addition applicants must demonstrate that they have a close connection with the United Kingdom (including for example the presence of close relatives or periods of previous residence) or that their admission would be in the general interest of the United Kingdom. They are admitted initially for a period of up to 12 months and this may be extended for further periods of up to 12 months if they continue to meet the conditions imposed.

Writers and Artists

People wishing to enter the United Kingdom as writers or artists must hold an entry clearance granted for this purpose. This will be granted if the applicant intends to work only as a writer or artist and will be able to maintain and accommodate himself and his dependants from his own resources. Admission is for an initial period of up to 12 months and this may be extended for further periods of up to 12 months.

Fiancés

A man wishing to enter the United Kingdom for marriage to a woman settled there who intends to settle there himself after the marriage may be admitted if he holds an entry clearance. This will be refused unless there is reason to believe that the primary purpose of the intended marriage was not to gain admission; that the parties intend to live together as man and wife; and that the parties to the proposed marriage have met. The woman he intends to marry must be a British citizen. An entry clearance will not be issued unless adequate maintenance and accommodation are available for the fiancé until the date of the marriage. Fiancés are admitted for three months, during which they may not take employment, and may apply to the Home Office to have this period extended once the marriage has taken place. A further period of up to 12 months may then be granted, and the prohibition on employment removed, at the end of which the time limit is removed providing that none of the reasons governing the refusal of an entry clearance applies and that the marriage has not been terminated. If the marriage does not take place within the initial three months an extension of stay is granted only if good cause is shown for the delay.

Fiancées

A woman wishing to enter to marry a man settled in the United Kingdom will be admitted if it is intended that the marriage should take place within a reasonable

time and adequate maintenance and accommodation are available without the need to have recourse to public funds, both before and after the marriage. She may be admitted for a period of up to three months, must not take employment during this time, and may apply to the Home Office for leave to remain once the marriage has taken place. If the marriage has not taken place an extension of stay is granted only if good cause for the delay is shown.

Admission for Settlement

The only people entitled to enter the United Kingdom for settlement without possessing a right of abode under the Immigration Act (see p 3) are certain dependants of people already settled there. In addition, certain United Kingdom passport holders who are subject to immigration control may be admitted under the Special Voucher Scheme (see p 11). There are special arrangements for refugees (see p 11).

Wives and Children

The wife and unmarried children under 18 of a man settled in the United Kingdom may be admitted, subject to the possession of an entry clearance, provided that (where the husband is not a Commonwealth citizen who has the right of abode or was settled in the United Kingdom before 1 January 1973) he is able and willing to support and accommodate his dependants without recourse to public funds. Generally, children over the age of 18 must qualify for admission in their own right unless there are the most exceptional compassionate circumstances. However, a fully dependent and unmarried daughter under 21 who formed part of the family unit overseas and has no other close relatives in her own country may be given special consideration for admission.

Parents, Grandparents and Other Relatives

Widowed mothers, widowers aged 65 and over and parents travelling together of whom at least one is aged 65 or over may be admitted if they are wholly or mainly dependent on children settled in the United Kingdom who must have the means to support their parents (and any other relatives who would be admissible as dependants of the parents) and adequate accommodation for them. They must also have no other close relatives in their own country to turn to. This provision may only be extended to people below 65, other than widowed mothers, if they are living alone in the most exceptional compassionate circumstances including having a standard of living substantially below that of their own country. In similar exceptional circumstances, sons, daughters, sisters, brothers, uncles and aunts of any age who are mainly dependent upon relatives in the United Kingdom may be admitted, provided their relatives in the United Kingdom have means to maintain and accommodate them. In all cases those being admitted must possess an entry clearance.

Husbands

The husband of a woman who is a British citizen settled in the United Kingdom may be admitted if he holds an entry clearance, but this will be refused unless the entry clearance

officer is satisfied that the marriage was not entered into primarily to obtain admission to the United Kingdom; that each of the parties had the intention of living permanently with the other as his or her spouse; and that the parties to the marriage have met. If all of these conditions apply an entry clearance is issued. A man seeking admission as a husband is admitted for an initial period of up to twelve months. At the end of this period the time limit on the husband's stay may be removed providing that none of the reasons for which an entry clearance would have been refused applies and that the marriage has not been terminated.

Returning Residents

Commonwealth citizens who were settled in the United Kingdom when the Immigration Act came into force in January 1973 and who had been settled there during the two years preceding their return may be admitted for settlement. Others returning from overseas may also be admitted if they can show that they were settled in the United Kingdom when they left and had not been absent for more than two years. People who had been away for a long period may be admitted if they had in fact lived there most of their lives. People whose stay in the United Kingdom was subject to a time limit and who return after a temporary absence abroad may be readmitted after all the relevant circumstances have been considered.

Special Voucher Holders

Certain United Kingdom passport holders who are subject to immigration control will be admitted for settlement on presentation of a special voucher issued to them by a British government representative overseas. A voucher holder's dependants wishing to accompany or join him will be admitted for settlement if they have obtained entry clearances for that purpose. Such a passenger arriving for settlement without a special voucher or entry clearance will be refused entry.

Refugees

People who do not otherwise qualify for admission may be admitted if the only country to which they could be sent is one to which they are unwilling to go because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Full account is taken of the provisions of the United Kingdom's obligations under the United Nations Convention and Protocol relating to the Status of Refugees.

Children Born in the United Kingdom who are not British Citizens

Special provision is made for children born in the United Kingdom on or after 1 January 1983 (see Appendix 3 p 20) who, because neither of their parents is a British citizen or settled in the United Kingdom, are not British citizens and are therefore subject to immigration control. The arrangements apply to unmarried dependent children under the age of 18. Such children would be given permission to stay in Britain for the same period as their parents.

If such children leave the country they need permission to re-enter. It would be advisable for a child, or a parent on his or her behalf, to apply for leave to remain if it

seemed likely that the child would travel and wish to re-enter the United Kingdom. Provided the child had not been away for more than two years he would be allowed to return with or join his parents for the period of their stay.

European Community Nationals

Nationals of member states of the European Community[1] do not require work permits and are admitted freely without previous consent to take or look for employment[2] or set up in business. They are normally admitted for six months in the first instance.

When European Community nationals have entered employment they apply for, and are issued with, a residence permit which is normally valid for five years. After four years in employment they may apply to have the residence permit endorsed to allow them to remain in the United Kingdom indefinitely. However, if on the expiry of the residence permit a person has been involuntarily unemployed for a period of 12 consecutive months, the permit may be renewed for a period of 12 months only. If the duration of the employment is expected to be less than 12 months the permit is issued for the period of employment only. If a person is not established in employment or in a self-employed occupation by the end of six months or has become a charge on public funds he or she may be refused a residence permit, although a short extension of stay may be granted if it is needed to complete arrangements for employment. The spouse, children under 21, older children if still dependent, and dependent parents, grandparents and great grandparents of a national of a member of the European Community coming to take employment may be given permission to enter the United Kingdom for the same period. Students and other temporary visitors from European Community countries are treated like other foreign nationals.

Registration with the Police

A foreign national (but not a national of a country of the European Community) aged 16 or over given limited leave to enter Britain must normally register with the police if he is admitted for more than six months or for employment—except in certain permit-free categories—for a period of more than three months. Registration involves producing a passport, providing two photographs, giving the police certain information within seven days of arrival (including name, age, nationality, address and employment) and informing them of any subsequent change in these particulars. A fee is payable when a certificate is issued.

Refusal of Entry

A person who does not qualify for admission to the United Kingdom under the provisions of the Immigration Rules outlined above will be refused entry. Moreover, a person holding a current entry clearance will also be refused admission if the immigration officer is satisfied that the clearance was obtained as a result of false representations or

[1] *Besides the United Kingdom the members of the European Community are Belgium, Denmark, France, the Federal Republic of Germany, Greece, the Irish Republic, Italy, Luxembourg and the Netherlands.*

[2] *The entitlement to admission to take or seek employment will not apply to Greek nationals until 1968.*

that a change of circumstances no longer entitles the holder to admission. People with or without an entry clearance may also be refused entry on medical grounds, on grounds of criminal record, because they are subject to a deportation order or because their exclusion would be conducive to the public good.

Medical Grounds

If, following medical examination, the medical inspector advises against admission, entry is refused unless there are strong compassionate reasons. A person declining to undergo a medical examination may also be refused entry, and in deciding whether a person should be admitted the immigration officer will take account of any illness from which the passenger is suffering that may interfere with his ability to support himself or his dependants.

Returning residents or the spouse and children under 18 of people settled in the United Kingdom may not be refused entry on medical grounds, but they and people admitted on compassionate grounds, as well as other cases recommended by the medical inspector, may be referred by the immigration officer to a medical officer of environmental health in the area to which they are going with a view to further examination and treatment.

Criminal Record

A person, other than the wife or child under 18 of a man settled in the United Kingdom, who has been convicted in any country of an offence covered by the Extradition Act 1870 and the Fugitive Offenders Act 1967 will be refused entry unless there are strong compassionate reasons for admission.

Subject to Deportation

People subject to deportation orders will be refused entry. They may apply for revocation of the order after their departure and may appeal against a decision not to revoke the order.

Exclusion Conducive to Public Good

A person, other than the wife and child under 18 of a man settled in the United Kingdom, may be refused entry on the grounds that his or her exclusion is conducive to the public good. Such a decision may be made by the Home Secretary or by the immigration officer if he considers admission should be refused, for example in view of the person's character, conduct or associations.

Rights of Appeal

People who arrive in the United Kingdom and are refused permission to enter may appeal against the decision unless the Home Secretary has personally decided that their entry would not be conducive to the public good. Apart from certain people claiming the right of abode they may appeal only after they have left the United Kingdom unless they hold a current work permit or entry clearance (visa, entry certificate or letter of consent —see p 4) establishing their eligibility for admission in the category in which entry

is sought. People refused permission to enter who believe they have the right of abode may, in certain circumstances, appeal against the decision that they require permission to enter before leaving the United Kingdom. Help in deciding whether to appeal may be given by friends, relatives, a legal adviser, the United Kingdom Immigrants Advisory Service or the appropriate Consulate or High Commission. In the first instance appeals are to an independent adjudicator (appointed by the Home Secretary) and then, normally with consent, to the Immigration Appeal Tribunal (appointed by the Lord Chancellor).

There is also a right of appeal against a decision of the Home Secretary to vary or refuse to vary the time limit or conditions on a person's stay provided that the application is made while the person still has limited leave to be in the United Kingdom. However, there is no right of appeal if the Home Secretary has decided that the departure of the person concerned would be conducive to the public good as being in the interest of national security or of the relations between the United Kingdom and any other country or for other reasons of a political nature. A person oversees may also appeal against the refusal of the British representative in his country to issue an entry clearance unless the refusal is at the Home Secretary's personal direction.

Deportation

Persons who do not have the right of abode may be deported from the United Kingdom if they contravene their conditions of entry or stay beyond the authorised time. They may also be deported when a court has recommended deportation after conviction for an offence punishable with imprisonment, or if the Home Secretary considers that deportation would be conducive to the public good. The wife and children under 18 of a person against whom a deportation order has been made may also be deported but not if the dependant is exempt from immigration control (that is, has the right of abode—see p 3). A Commonwealth citizen or a citizen of the Irish Republic who has been resident in the United Kingdom continuously since the Act came into force on 1 January 1973 is not liable to be deported on the ground that his deportation would be conducive to the public good, nor may he be deported on any grounds if he was resident for the preceding five years at the time of the Home Secretary's decision to deport him, or at the time of his conviction and recommendation for deportation by the court.

Since no one who has the right of abode can be deported, exemption from deportation is acquired if British citizenship is granted after five years' residence, to Commonwealth or Irish citizens on registration and to foreign nationals on naturalisation.

There is a right of appeal against deportation first to an adjudicator and then with leave to the Immigration Appeal Tribunal for anyone subject to a decision to deport for overstaying or breaking his or her conditions of stay. If a court recommends deportation, an appeal may only be made against the recommendation to a higher court. In all other cases appeals may be made direct to the Immigration Appeal Tribunal, except where the decision has been taken by the Home Secretary personally on security or political grounds that a person's continued presence is not conducive to the public good. In such cases there is no right of appeal but recourse may be had to a non-statutory advisory procedure under which representations may be made to three advisers who make recommendations on the case to the Home Secretary. There is a

separate right of appeal to an adjudicator against the proposed destination in all deportation cases.

Contributions towards Expenses of People Leaving the Country

People subject to immigration control may be given financial assistance from public funds towards the cost of moving from the United Kingdom for permanent residence in another country. There is no automatic right to receive assistance which is intended only for those wishing to leave but who lack the means to do so. The scheme is administered on behalf of the Government by a voluntary body, International Social Service of Great Britain.

Illegal Entry

Penalties for certain immigration offences are set out in the Immigration Act. Illegal entry and staying beyond the authorised period are punishable with a fine of up to £200, imprisonment for up to six months, or both. Harbouring an illegal immigrant is punishable by a fine not exceeding £1,000, imprisonment for up to six months, or both. Assisting illegal entry is punishable with an unlimited fine and imprisonment for up to seven years; ships, aircraft or vehicles used in connection with such an offence may, in certain circumstances, be subject to forfeit.

Acquisition of Citizenship

Commonwealth citizens and citizens of the Irish Republic who were settled in the United Kingdom before 1973 will have the right to be registered as British citizens for five years after the British Nationality Act came into force on 1 January 1983 (or eight years in special cases). Those who were minors on 1 January 1983 have the right to registration for a period of five years following their eighteenth birthday. Commonwealth citizens with the right of abode who were settled in the United Kingdom when the Act came into effect will also continue to have a right of registration for a limited period when they have been in the country for five years. Women married to citizens of the United Kingdom and Colonies who became British citizens when the Act came into force will continue to be entitled to registration for five years provided the marriage has not ceased. In that event registration is at the Home Secretary's discretion. People who became British Dependent Territories citizens, British Overseas citizens, British subjects under the British Nationality Act 1981 when the Act came into force on 1 January 1983, or who are British protected persons are entitled to registration as British citizens on completion of five years' residence in the United Kingdom.[1]

Certificates of naturalisation may be granted, at the Home Secretary's discretion, to other Commonwealth citizens and foreign nationals. The requirements for naturalisation are five years' residence; good character; sufficient knowledge of English, Welsh or Scottish Gaelic; and an intention to remain closely connected with the United

---

[1] *British Dependent Territories citizens connected with Gibraltar who are United Kingdom nationals for the purpose of the European Community treaties are entitled to registration without five years' residence in the United Kingdom.*

Kingdom. Foreign nationals and citizens of Commonwealth countries of which the Queen is not Head of State must take an oath of allegiance.

The husband or wife of a British citizen will be able to apply for naturalisation after three years' residence. The requirement to be of good character will have to be met but not the language and future intentions requirements. The Home Secretary also has discretion to register a minor child as a British citizen.

Appendix 1

Immigration Statistics

The following statistics have been compiled under the Commonwealth Immigrants Acts 1962 and 1968, the Aliens Restriction Acts of 1914 and 1919 and the Immigration Act 1971.

Acceptances for Settlement 1962–81

	Total acceptances for settlement	Accepted for settlement on arrival	Accepted for settlement on removal of time limit
Commonwealth Citizens*			
1962 (July–Dec.)	18,814	18,814	*na*
1963	59,806	59,806	*na*
1964	55,900	55,900	*na*
1965	57,352	57,062	290
1966	52,318	50,465	1,853
1967	64,968	61,377	3,591
1968	64,381	59,112	5,269
1969	48,084	42,806	5,278
1970	42,390	36,725	5,665
1971	48,838	38,219	10,619
1972	72,508	62,596	9,912
1973	34,044	25,633	8,411
1974	42,078	23,119	18,959
1975	50,928	30,954	19,974
1976	49,281	30,975	18,306
1977	37,396	21,179	16,217
1978	37,967	20,785	17,182
1979	33,074	18,345	14,729
1980	31,510	17,160	14,350
1981	27,440	15,370	12,070
Foreign Nationals*			
1962	15,606	*na*	*na*
1963	15,349	*na*	*na*
1964	19,211	*na*	*na*
1965	20,615	3,136	17,479
1966	18,948	3,232	15,716
1967	18,346	3,687	14,659
1968	20,093	3,597	16,496
1969	21,862	2,868	18,994
1970	20,917	2,330	18,587
1971	23,467	3,616	19,851
1972	19,681	3,033	16,648
1973	21,118	3,936	17,182
1974	26,800	6,593	20,207
1975	31,477	9,474	22,003
1976	31,464	13,099	18,365
1977	31,917	14,548	17,369
1978	34,364	13,212	21,152
1979	36,597	15,028	21,569
1980	38,410	16,680	21,730
1981	30,690	12,280	18,410

* Includes Pakistan from 1 September 1973. *na* = not available.

Work Permit Holders and Dependants Admitted 1973–81

Year of Entry	Total*	Commonwealth Citizens	Non-European Community Foreign Nationals
1973	27,400	2,900	24,000
1974	24,500	3,700	20,900
1975	23,900	4,000	19,800
1976	19,800	3,000	16,800
1977	17,200	2,500	14,700
1978	17,900	2,900	15,100
1979	18,300	3,200	15,100
1980	18,800	3,200	15,500
1981	16,700	2,800	13,900

* Because of rounding the sum of the constituent items may differ from the total shown.

Residence Permits issued to European Community Nationals and their dependants, 1973–81

Year	Total
1973	10,410
1974	11,340
1975	8,120
1976	7,110
1977	6,620
1978	8,180
1979	8,440
1980	8,330
1981	6,910

Appendix 2

Nationals of Foreign Countries[1] who need Visas for the United Kingdom

EUROPE: Nationals of Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania and the Soviet Union.

ASIA: Nationals of Pakistan seeking admission to the United Kingdom as the wife, child or other dependant of a person settled in the United Kingdom (or of a person admitted for employment, or as a businessman, a person of independent means or a self-employed person) or as a husband or fiancé of such a person; and for citizens of Pakistan who seek admission for other purposes and who wish to ascertain in advance whether they are eligible for admission, the entry clearance for which they may apply will take the form of a visa. Nationals of all other countries except Bahrain, Israel, Japan, Kuwait, Republic of Korea, Qatar, Turkey and United Arab Emirates.

AFRICA: Nationals of all countries except Algeria, Ivory Coast, Morocco, Niger, Tunisia and the Republic of South Africa.

AMERICA: Nationals of Cuba and Argentina.

---

[1] *The term 'foreign' does not include Commonwealth countries.*

Appendix 3

British Nationality Act 1981

The changes in British nationality law introduced on 1 January 1983 by the British Nationality Act 1981 have necessitated certain amendments to the Immigration Act 1971 which defined the right of abode in the United Kingdom in terms of citizenship. Under the new legislation three types of citizenship replace the former citizenship of the United Kingdom and Colonies: British Citizenship for people closely connected with the United Kingdom, the Channel Islands and the Isle of Man; British Dependent Territories Citizenship for people connected with the dependencies; and British Overseas Citizenship for those citizens of the United Kingdom and Colonies who did not acquire either of the other citizenships. Thus the term 'Citizen of the United Kingdom and Colonies' has been superseded and 'patrial' is no longer used to describe those with the right of abode.

The British Nationality Act does not adversely affect the position under the immigration law of anyone lawfully settled in the United Kingdom, nor does it affect the Government's commitment to admit the wives and dependent children of men settled in the United Kingdom. The Special Voucher Scheme, under which certain United Kingdom passport holders were admitted to the United Kingdom for settlement, continues.

British Citizenship

All citizens of the United Kingdom and Colonies who had the right of abode in the United Kingdom acquired British citizenship automatically when the Act came into force[1] (see Acquisition of Citizenship, p 15).

There are no restrictions on the holding of dual nationality by people who settle in the United Kingdom and acquire British citizenship by naturalisation or registration.

Children Born in the United Kingdom

After 1 January 1983 a child born in the United Kingdom will be a British citizen if one of his or her parents is a British citizen or, if not a British citizen, is settled in the United Kingdom free of any restriction under the immigration law on the period for which he or she may remain. A child born in the United Kingdom who is not a British citizen has an entitlement to be registered as a British citizen if either of his parents becomes a British citizen or becomes settled in the United Kingdom. The child also has an entitlement to registration if he spends the first ten years of his life in the United Kingdom.

---

[1] *Except for a small group of people, formerly stateless, who had been registered as citizens of the United Kingdom and Colonies by virtue of their mothers' citizenship and who had not acquired the right of abode through residence in the United Kingdom (see p 3). When the Act came into force they acquired whichever of the three new citizenships their mothers did.*

Addresses

Home Office, Immigration and Nationality Department, Lunar House, Wellesley Road, Croydon CR9 2BY.

Department of Employment, Overseas Labour Section, Caxton House, Tothill Street, London SW1H 9NF.

Department of Economic Development, Work Permits Branch, Netherleigh, Massey Avenue, Belfast BT4 2JP.

International Social Service of Great Britain, 39 Brixton Road, London SW9 6DZ.

United Kingdom Immigrants Advisory Service, Brettenham House, 14 Lancaster Place, London WC2E 7EN.

Official Publications

			£
Immigration Act 1971 (revised to 1 January 1983). ISBN 0 11 8044133.	*HMSO*	1983	4·65
British Nationality Act 1981. ISBN 0 10 546181 4.	*HMSO*	1981	4·75
Statement of Changes in Immigration Rules. ISBN 0 10 216983 7.	*HMSO*	1983	3·80
Control of Immigration Statistics. United Kingdom 1981. Cmnd 8533. ISBN 0 10 185330 0.	*HMSO*	1982	5·25
Residence in Britain: Notes for People from Overseas. COI reference pamphlet No 82/RP/81 and Supplement May 1982.	*COI*		

Leaflets published by the Home Office (Immigration and Nationality Department, Lunar House, Wellesley Road, Croydon CR9 2BY) and available free of charge include the following:

RON 2: Admission to the United Kingdom: A General Guide for Foreign and Commonwealth Nationals.

BN 1: British citizenship.

BN 2: British Overseas citizens.

BN 3: British subjects.

BN 4: Children born abroad.

BN 5: Provisions for reduction of statelessness.

BN 6: British citizenship: children born outside the UK to parents in Crown Service, in designated service, or in service under a European Community institution.

BN 7: Information about naturalisation as a British citizen.

BN 8: Registration as a British citizen: special provision for certain Commonwealth citizens.

BN 9: Citizenship of children born in the UK on or after 1 January 1983.

BN 10: Citizenship of children born in the UK on or after 1 January 1983 (longer version).

BN 11: Registration of children as British citizens.

BN 12: Registration as a British citizen by someone who is a British Dependent Territories citizen, a British Overseas citizen, a British subject, or a British protected person.

BN 13: Registration as a British citizen: special provision for married women.

The following leaflets are obtainable from the Department of Employment, Overseas Labour Section, Caxton House, Tothill Street, London SW1H 9NF and from local offices of the Employment Service Division of the Manpower Services Commission:

OW 5 (1982): Employment of Overseas workers in the United Kingdom (outline of the work permit scheme).

OW 21 (1981): Employment of Overseas workers in the United Kingdom: Training and Work Experience Scheme.

OW 17 (1980): Employment in the United Kingdom: A guide for workers from non-EC countries.

The following leaflet published by the Manpower Services Commission is available from their local offices:

ELP 21: Employing Workers from the European Community.

Printed in England for Her Majesty's Stationery Office by Collins & Wilson Ltd., London and Andover
Dd 8333729 Pro 19755 4/83